

**APR 10 2006**

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGE FREEMAN,

Plaintiff - Appellant,

v.

JANE HEIDERICH; et al.,

Defendants - Appellees.

No. 05-35485

D.C. No. CV-02-02172-TSZ

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Western District of Washington  
Thomas S. Zilly, District Judge, Presiding

Submitted April 5, 2006<sup>\*\*</sup>

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

George Freeman appeals pro se from the district court's order imposing sanctions for violating Fed. R. Civ. P. 11(b). We have jurisdiction under 28

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1291. We review for abuse of discretion, *Barber v. Miller*, 146 F.3d 707, 709 (9th Cir. 1998), and we reverse.

The district court abused its discretion when it sua sponte entered Rule 11 sanctions against Freeman and ordered him to pay attorneys' fees and other expenses to the defendants. *See id.* at 711 ("Rule 11 provides that sanctions may include 'an order to pay a penalty into court, or, *if imposed on motion* and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.' Fed. R. Civ. P. 11 (c)(2) (emphasis added)."); *see also Miller v. Cardinale (In re DeVille)*, 361 F.3d 539, 545 (9th Cir. 2004).

Freeman's other contentions are without merit.

**REVERSED.**